

STATE OF SOUTH CAROLINA

(Caption of Case)

FLATEL, Inc. v.
Windstream South Carolina, Inc.

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2008 - 27 - C

(Please type or print)

Submitted by: Burnet R. Maybank, III

SC Bar Number: 3699

Telephone: 803-771-8900

Fax: 803-253-8277

Address: Nexsen Pruet, LLC

1230 Main Street, Suite 700

Columbia, SC 29201

Other:

Email: bmaybank@nexsenpruet.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☒ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input checked="" type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input checked="" type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: Cover Sheet
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

Print Form

Reset Form

Burnet R. Maybank, III
Member
Corporate
Admitted in SC

February 29, 2008

Mr. Charles L. A. Terreni
Chief Clerk & Administrator
Public Service Commission of South Carolina
Attn: Docketing Department
PO Box 11649
Columbia, SC 29211

RE: FLATEL, Inc. v. Windstream South Carolina, Inc.
Docket No. 2008-27-C

Dear Mr. Terreni:

Charleston
Charlotte
Columbia
Greensboro
Greenville
Hilton Head
Myrtle Beach

I am writing on behalf of Windstream South Carolina, Inc. ("Windstream"), in response to the Commission's notice dated January 30, 2008, in the above-referenced matter, to answer the allegations of the Complaint/Petition filed by FLATEL, Inc. ("FLATEL") on January 22, 2008.

Windstream admits processing FLATEL orders for South Carolina customers. However, Windstream's records reflect the following regarding the supporting information provided by FLATEL. First, purchase order number ("PON") 51060 was for service in Florida. PONs rose7791 and 51263 were for service in Kentucky. (Our records indicate that PON rose7791 was actually submitted as ros7791). The only support for the complaint provided by Mr. Matari pertaining to a South Carolina customer was PON 512561. Windstream is unable to determine if PON 512561 is the same PON that Mr. Matari references in his original complaint email as PON 0109NGK.

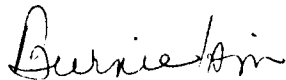
PON 512561 was submitted to Windstream on January 9th. Windstream rejected the order on January 12th because the county code on the order was not valid. FLATEL resubmitted the order on January 12th with no change in the county stating it was correct; however, the address/county information on the order was not 911 valid. Windstream rejected the order again on January 16th, 2008. On January 16th,

Mr. Charles L. A. Terreni
February 29, 2008
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FLATEL resubmitted the order. On January 18th, Windstream rejected FLATEL's order because the customer's number was no longer in service. The customer's disconnection was not related to any of the conversion activity submitted by FLATEL but a result of a previous delinquency notice sent to the customer by Windstream on December 27, 2007. On January 18th, FLATEL cancelled PON 512561 and submitted a new PON 30251 on the afternoon of January 18th requesting an expedited due date of January 22th, 2008. On January 19th, Windstream rejected the order because the expedite reason¹ was not valid. FLATEL resubmitted the same order again on January 19th but did not remove the expedite or change the expedite reason. Windstream rejected the order on January 21st. On January 21st, FLATEL resubmitted the order removing the expedite. On January 22, FLATEL submitted a supplemental order canceling PON 30251.

In all of the activity surrounding these orders, there were not any excessive delays in responding or completing the order on Windstream's behalf. At no time during this process did FLATEL try to escalate this issue with Windstream's Service Center management. Windstream has a stated escalation process, which FLATEL has used in the past but chose not to use in this case. It is for this reason Windstream requests that this complaint be dismissed.

Very truly yours,



Burnet R. Maybank, III

cc: Parties of Record
Jayne Eve
Rob Rice

¹ Expedite reasons are the same for resale customers, like FLATEL, as it is for our WINDSTREAM retail customers.

**BEFORE THE
PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

Docket Number 2008-27-C

Answer of Windstream South Carolina, Inc.

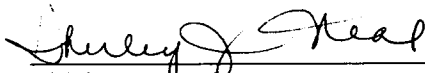
CERTIFICATE OF SERVICE

I, Shirley J. Neal, an employee of Nexsen Pruet, LLC, hereby certify that on this 29th day of February, 2008, served a copy of the attached Answer of Windstream South Carolina, Inc. in the above-referenced matter to the persons below by causing said copy to be deposited with the United States Postal Service, via first class postage prepaid to and addressed as shown below:

Ms. Florence P. Belser, Esquire
Office of Regulatory Staff
Post Office Box 11263
Columbia, SC 29211
fbelser@regstaff.sc.gov

Mr. Abby Matari
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Shirley J. Neal